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Attorneys for Plaintiff
INFORMATICA CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

INFORMATICA CORPORATION, a Delaware
corporation,

Plaintiff,

v.

BUSINESS OBJECTS DATA INTEGRATION,
INC., formerly known as ACTA
TECHNOLOGY, INC., a Delaware corporation,

Defendant.

AND RELATED COUNTERCLAIMS.

Case No. C 02-03378 EDL

**STATEMENT AND ~~PROPOSED~~
ORDER DISMISSING THE '990
PATENT, AND RELATED DEFENSES
AND COUNTERCLAIMS**

Trial Date: March 12, 2006

1 Pursuant to this Court's repeated suggestion, to avoid confusion of the issues at trial
2 between the patents-in-suit, Informatica Corporation ("Informatica") respectfully submits this
3 Statement of Non-Assertion of U.S. Patent 6,208,990 ("the '990 Patent") and [Proposed] Order
4 dismissing the '990 patent, and related defenses and counterclaims, from this case. Defendant
5 Business Objects Data Integration, Inc. ("BODI") does not object to this statement and dismissal.

6 **STATEMENT OF NON-ASSERTION**

7 Informatica Corporation hereby unconditionally agrees not to assert against Defendant
8 Business Objects Data Integration, Inc. ("BODI") any claim for liability for infringement of the
9 '990 Patent for its activities respecting the accused Data Integrator products in this case as they
10 exist today or have existed in the past.

11
12 Dated: February 21, 2007

FENWICK & WEST LLP

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14 By: /s/ Carolyn Chang
Carolyn Chang

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16 Attorneys for Plaintiff
INFORMATICA CORPORATION

PROPOSED ORDER

Pursuant to Plaintiff Informatica's Statement of Non-Assertion, the Court hereby orders that:

1. Plaintiff Informatica's infringement claims on the '990 Patent are dismissed from this action with prejudice;
2. Defendant BODI's counterclaims on the '990 patent are dismissed from this action without prejudice; and
3. The parties to this action are prohibited from presenting any evidence or argument at trial concerning the '990 patent.

IT IS SO ORDERED.

Dated: February 26, 2007

By: _____



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